IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2121 OF 2006

1. M/s. The Municipal Co-op. Bank Ltd. & 4 others. ... Petitioners

V/s

Deepak Ghanashyam Salvi ... Respondent

Mr. P.. Rele with Mr. P.N. Shastri with Mr. N.M. Makandar for the petitioner.

Mr. A.V. Bukhari with Mr. B.V. Bukhari for the respondent No.1.

CORAM: DR. D.Y. CHANDRACHUD, J.

DATED: 29TH AUGUST, 2006

P.C.:

1. At the hearing of the present petition, learned counsel appearing on behalf of the petitioner and the respondent are agreed that the disciplinary proceedings pending against the respondent be expeditiously concluded, in any event within a period of three months from today. Ordered accordingly.

2. The learned counsel appearing on behalf of the petitioners has stated before the Court, in view of the

request made on behalf of the respondent, that the respondent shall, in view of the peculiar facts and circumstances of the case and without creating any precedent in the future, be permitted to be defended by union representative of his choice. A time schedule is, by consent, fixed for the expeditious conclusion of the disciplinary enquiry. The enquiry shall be completed within a period of three months.

3. It is clarified on the request of counsel for the petitioner that it would be open to the management in the pending proceedings before the Labour Court to raise all appropriate defences including the defence that in view of the settlement dated 22.7.2002 with the recognised union to which the respondent himself was a signatory and the order of the Industrial Court in Complaint (ULP) No. 632 of 1993, the respondent is not a workman within the meaning of Section 3(13) of the B.I.R. Act, 1946.

4. The Labour Court, it is needless to state, shall dispose of the complaint after duly considering the defences raised on behalf of the management.

5. The petition stands disposed of by consent in the

aforesaid terms. No other point is pressed on either side.

.....